

## REMARKS

In the Supplemental Office Action of August 20, 2004, the Examiner rejected Claims 1-45 and 50-55 under 35 U.S.C. § 112, second paragraph, as being indefinite. Further, Claims 1-55 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,627,759 ("Bearden et al.").

The rejections from the Supplemental Office Action of August 20, 2004 are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

Claims 1-45 and 50-55 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner contends that "[t]here is no link between what the sampled data is used for and how the means for interfacing with an external network is accomplished" implying that the Examiner is interpreting the "means for interfacing with an external network" as a further limitation of the claimed "means for performing." Applicants submit, however, that the language "converting said calculations and said digitally sampled voltage and current into at least one network protocol" of claim 1, and similar language of claims 6, 10, 15, 19, 24, and 50-53 is a further limitation of the claimed "means for performing." However, the subsequent recitation of a "means for interfacing with an external network" is an additional limitation of the claimed electric power meter. Accordingly, these limitations are definite. In addition, these claims are substantially similar and, in particular with regards to claims 50-53, include claims which were copied from U.S. Patent No. 6,751,563 ("Spanier") for the purposes of interference. To the extent that these claims are indefinite, so are the claims of Spanier. Further, claims 50-53, as they appear in 6,751,563, are presently under reexamination in Re-examination Serial No. 90/007,227 (the "227 Re-exam"), in which there has been multiple substantive office actions, and these claims have not been rejected under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants submit that these claims are not indefinite. However, the question of their definiteness is being determined by re-examination.

Further, claims 1-55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bearden. These claims are substantially similar and, in particular with regards to claims 50-53, include claims which were copied from Spanier for the purposes of interference. To the extent

that these claims are anticipated, so are the claims of Spanier. Accordingly, Applicants submit that these claims are not anticipated. However, the question of their anticipation is being determined by re-examination.

Accordingly, the Applicants' adopt the reasoning of the Examiner in '227 Re-exam. In particular, according to that Examiner, Bearden teaches memory 131 for storing signal representative of the undesired variations in the received voltage signal and the power usage (column 9, lines 25-27, lines 35-38 and column 12, lines 18-27).

Independent claims 19, 24, 52 and 53 require a memory for storing network protocol conversion algorithm. According to the Examiner, as known by a person skilled in the art, a memory which stores a network protocol conversion algorithm structure is different from a memory which stores data representative of the undesired variations in the received voltage signal and the power usage. Therefore, claims 19, 24, 52, and 53 are not anticipated by Bearden. Because claims 20-23 and 25-45, depend on claims 19 and 24 respectively and therefore contain all the limitations of claims 19 and 24, claims 20-23 and 25-45 are not anticipated by Bearden.

Similarly, independent claims 1, 6, 10, 15, 50 and 51 require a memory for storing digitally sampled voltage and current. According to the Examiner, as known by a person skilled in the art, a memory which stores sampled voltage and current is different from a memory which stores the undesired variations in the received voltage signal and the power usage. Therefore, claims 1, 6, 10, 15, 50 and 51 are not anticipated by Bearden. Because claims 2-5, 7-9, 11-14, 54, 16-18, and 55 depend on claims 1, 6, 10, and 15 respectively and therefore contain all the limitations of claims 1, 6, 10, and 15, claims 2-5, 7-9, 11-14, 54, 16-18, and 55 are not anticipated by Bearden.

Further, while the Examiner in '227 Re-exam did not specifically address claims similar to independent claims 46 and 48, independent claims 46 and 48 require a memory operative to store electrical parameters. Similar to the claims above, a memory which stores electrical parameters is different from a memory which stores the undesired variations in the received voltage signal and the power usage. Therefore claims 46 and 48 are not anticipated by Bearden. Because claims 47 and 49 depend on claims 46 and 48 respectively and therefore contain all of the limitations of claims 46 and 48, claims 47 and 49 are not anticipated by Bearden.

For at least these reasons, the pending claims are not indefinite and are not anticipated by Bearden et al. Accordingly, Applicants request that the Examiner withdraw these rejections of the pending claims.

### **REQUEST TO SUSPEND PROSECUTION**

Applicants herein request that the Examiner consider and act upon Applicants' Request to Suspend Prosecution, included herewith, prior to issuing the next office action.

### **ACCELERATED EXAMINATION**

In the Notice of Non-Compliant Amendment of October 6, 2006, the Examiner indicates that the present application has been granted special status under the accelerated examination program. However, Applicants submit that a request for accelerated examination has not been filed in the present application. Accordingly, the rules for accelerated examination, e.g. no permitted time extensions, EFS-Web filing only, etc., should not be applicable hereto. The Examiner is invited to contact the undersigned to resolve any confusion as to this issue.

### **CONCLUSION**

Each of the rejections in the Notice of Non Compliant Amendment of October 6, 2006 and the Supplemental Office Action of August 20, 2004 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

Date: October 20, 2006

  
James L. Katz  
Registration No. 42,711  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200